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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/597,973	06/20/2000	Andrew Purtell	NAI1P072/00.026.01	9016
28875	7590	01/27/2005	EXAMINER	
Zilka-Kotab, PC P.O. BOX 721120 SAN JOSE, CA 95172-1120			CALDWELL, ANDREW T	
			ART UNIT	PAPER NUMBER
			2137	

DATE MAILED: 01/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/597,973

Applicant(s)

PURTELL ET AL.

Examiner

Tremayne M. Norris

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 29 July 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 23,24,28,29 and 36-49 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 23,28,36,38,40,42 and 44-49 is/are rejected.
- 7) ☒ Claim(s) 24,29,37,39,41 and 43 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- No form 892 attached AC
- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Response to Arguments***

Applicant's arguments with respect to claims 23,24,28,29,36,37,38-49 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 23,28,36,38,40,42,44-49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Coile et al (US pat 6,006,268), and further in view of Coss EP0909073) and Foss et al (US pat 6,295,557).

Regarding claim 23, Regarding claim 21, Coile et al teach a method for enhancing network throughput between an internal network and an external network to which a server is connected, comprising the steps of:

sending a TCP connection request to the server from one of said firewalls (col.6 lines 42-46);

updating said common TCP control block based on the response from the server to said TCP connection request (col.16 line 60 thru col.17 line 16).

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wherein said steps further comprise establishing a connection between said firewall and said server, and updating said common TCP control block with connection state data during said connection (col.16 line 60 thru col.17 line 16);

wherein said steps further comprise shutting down said connection, and updating said common TCP control block based on the type of shutdown performed (col.15 lines 38-67).

Coile et al do not teach connecting two or more firewalls to the internal network. Coss teaches connecting two or more firewalls to the internal network (Coss page 3 lines 4-7). It would have been obvious to one of ordinary skill in the art to combine Coile et al's apparatus for reducing overhead on a proxied connection with Coss's teachings of connecting two or more firewalls to an internal network in order to unburden a firewall with application proxies by redirecting network sessions to other firewalls for processing (Coss page 3 lines 4-7).

Coile nor Coss , in combination, teach determining whether a common TCP control block exists for a TCP connection between one of said firewalls and the server, and creating one if one does not exist. Foss teaches determining whether a common TCP control block exists for a TCP connection between one of said firewalls and the server (col.7 lines 28-46), and creating one if one does not exist (col.7 lines 1-12). It would have been obvious to one of ordinary skill in the art to combine Coile et al's apparatus for reducing overhead on a proxied connection, as modified by Coss, with Foss' teaching of determining whether a common TCP control block exists for a TCP connection between one of said firewalls and the server in order to mark the control

block as being a control block that belongs to a connection from a particular source (Foss et al col.7 lines 15-18).

Regarding claim 28, Coile et al teach a method for enhancing network throughput between an internal network and an external network to which a server is connected, comprising the steps of:

receiving a TCP connection request from the server to one of said firewalls (col.6 lines 42-46; col.7 lines 24-28);

updating said common TCP control block based on the TCP connection request from the server (col.16 line 60 thru col.17 line 16);

wherein said steps further comprise transmitting an acknowledgement and a request for connection to the server, and updating said common TCP control block with the resulting connection state data (col.16 line 60 thru col.17 line 16);

wherein said steps further comprise establishing a connection between said firewall and the server and updating said common TCP control block during said connection with connection state data (col.16 line 60 thru col.17 line 16);

wherein said steps further comprise shutting down said connection and updating said common TCP control block based on the type of shutdown performed (col.15 lines 38-67).

Coile et al do not teach connecting two or more firewalls to the internal network. Coss teaches connecting two or more firewalls to the internal network (Coss page 3

lines 4-7). It would have been obvious to one of ordinary skill in the art to combine Coile et al's apparatus for reducing overhead on a proxied connection with Coss's teachings of connecting two or more firewalls to an internal network in order to unburden a firewall with application proxies by redirecting network sessions to other firewalls for processing (Coss page 3 lines 4-7).

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Computer program claims 36 and 38 are substantially equivalent to method claim 23, therefore claims 36 and 38 are rejected for the same reasons.

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Apparatus claims 40 and 42 are substantially equivalent to method claim 23, therefore claims 40 and 42 are rejected for the same reasons.

Regarding claims 44-49, Coile, Coss, and Foss in combination teach claims 23,28,36,38,40, and 42, in addition Coile teaches the external network includes the Internet (col.6 lines 23-28).

#### ***Allowable Subject Matter***

Claims 24,29,37,39,41,43 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The following is a statement of reasons for the indication of allowable subject matter:

With respect to claims 24,29,37,39,41,43, the cited prior art fails to specifically teach sharing said TCP control block with one or more of said other firewalls.

#### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tremayne M. Norris whose telephone number is (571)

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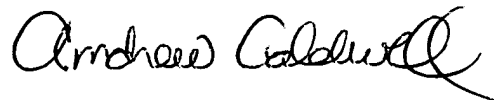
272-3874. The examiner can normally be reached on M-F 7:30AM-5:00PM alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell can be reached on (571) 272-3868. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Tremayne Norris

December 30, 2004

A handwritten signature in black ink, appearing to read "Andrew Caldwell", with a stylized flourish at the end.

**ANDREW CALDWELL**  
**SUPERVISORY PATENT EXAMINER**